

117TH CONGRESS  
1ST SESSION

# H. R. 5999

To amend the Animal Welfare Act to restrict the use of exotic and wild animals in traveling performances.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 17, 2021

Mr. GRIJALVA (for himself, Mr. SCHWEIKERT, Mr. BLUMENAUER, Mr. COHEN, Mr. CONNOLLY, Mr. DEFAZIO, Mr. LOWENTHAL, Mr. SEAN PATRICK MALONEY of New York, Ms. KUSTER, Ms. NORTON, Miss RICE of New York, Ms. SCHAKOWSKY, Mr. LANGEVIN, Mr. HUFFMAN, Ms. DEAN, Mr. KHANNA, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. CARTWRIGHT, Mrs. KIRKPATRICK, Ms. MCCOLLUM, Mr. SIRES, Mrs. CAROLYN B. MALONEY of New York, Ms. ROYBAL-ALLARD, Mr. NADLER, Mrs. NAPOLITANO, Ms. ESHOO, Mr. TAKANO, Ms. BONAMICI, Ms. BROWNLEY, Ms. BASS, Mr. FITZPATRICK, Ms. TLAIB, Mr. TRONE, Mr. JOHNSON of Georgia, Mr. CARSON, Mr. LYNCH, Mr. VARGAS, Mr. TONKO, Ms. JACOBS of California, Mrs. HAYES, and Mr. MALINOWSKI) introduced the following bill; which was referred to the Committee on Agriculture

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# A BILL

To amend the Animal Welfare Act to restrict the use of exotic and wild animals in traveling performances.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

**3 SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Traveling Exotic Ani-  
5 mal and Public Safety Protection Act of 2021”.



1   **SEC. 2. FINDINGS.**

2       Congress finds that—

3               (1) conditions inherent to traveling performances, including constant travel, temporary and collapsible facilities, and the prolonged confinement and physical coercion of animals, subject exotic and wild animals to compromised welfare and chronic stress, and present public and worker health and safety risks not adequately addressed by current regulations;

11             (2) current regulatory oversight of traveling performances is complex and costly, and those costs are not typically recouped via licensing fees but are left to the taxpayer;

15             (3) the frequent mobility of traveling performances complicates oversight such that agencies and authorities cannot properly monitor, evaluate, or follow through regarding the condition of animals or facilities, or their history of potential injuries, incidents, illnesses, violations, or other issues, and so cannot properly protect animals, workers, or the public;

23             (4) traveling exotic and wild animal performances use collapsible, temporary, mobile facilities, which risk escape and serious harm to animals, workers, and the public;

- 1                         (5) traveling exotic and wild animal performances present safety risks by permitting or not preventing public contact and by displaying animals in inappropriate, uncontrolled areas in dangerous proximity to humans and other animals;
- 2                         (6) exotic and wild animals have intrinsic value;
- 3                         (7) the wild instincts and needs of exotic and wild animals are unpredictable and not naturally suited to traveling performances, and exotic and wild animals thus suffer as a result of being unable to fulfill instinctive natural behaviors;
- 4                         (8) exotic and wild animals used in traveling performances suffer severe and extended confinement, and, deprived of natural movements and behaviors, are prone to chronic stress and behavioral, health, and psychological problems;
- 5                         (9) exotic and wild animals are forced to perform unnatural tricks requiring extreme physical coercion, including the use of food and water restrictions, electric shock devices, bullhooks, metal bars, whips, shovels, pitchforks, and other abuses;
- 6                         (10) it is not necessary to use exotic or wild animals in traveling performances to experience the circus or similar events;

- 1                         (11) using exotic or wild animals as commodities traded for traveling performances adds nothing  
2                         to the understanding and conservation of those animals and the natural environment, and actually undermines conservation efforts necessary to protect  
3                         threatened and endangered species;
- 4                         (12) it is not possible to provide or ensure public and worker safety or appropriate physical and  
5                         mental welfare of exotic and wild animals under the traveling performance business model, which inherently and significantly restricts the natural movements and behaviors of animals, and in which abuse  
6                         is prevalent and oversight problematic;
- 7                         (13) the use of exotic or wild animals in traveling performances is or substantially affects interstate or foreign commerce and the free flow of interstate or foreign commerce;
- 8                         (14) it is essential to regulate the use of exotic or wild animals in traveling performances to ensure the humane care and treatment of animals; and
- 9                         (15) restricting the use of exotic and wild animals in traveling performances is the most cost-effective and efficient way to safeguard animals, workers, and the public.

1   **SEC. 3. USE OF EXOTIC OR WILD ANIMALS IN TRAVELING**

2                   **PERFORMANCES PROHIBITED.**

3       Section 13 of the Animal Welfare Act (7 U.S.C.

4 2143) is amended—

5                   (1) by redesignating subsections (g) and (h) as  
6        subsection (h) and (i), respectively;

7                   (2) by redesignating the second subsection (f)  
8        (relating to delivery of animals by a dealer, research  
9        facility, exhibitor, or government) as subsection (g);  
10      and

11                  (3) by adding at the end the following:

12       **“(j) PROHIBITION OF EXOTIC AND WILD ANIMALS**

13 **IN TRAVELING PERFORMANCES.—**

14       **“(1) DEFINITIONS.—**In this subsection:

15                  **“(A) CAUSE A PERFORMANCE.—**The term  
16       ‘cause a performance’ means—

17                  “(i) to be responsible for a perform-  
18       ance;

19                  “(ii) to financially benefit as an owner  
20       or operator from a performance; or

21                  “(iii) to sponsor a performance.

22       **“(B) DOMESTIC ANIMAL.—**The term ‘do-  
23       mestic animal’ means any animal that is nor-  
24       mally maintained as a companion or pet animal  
25       in or near the household of the owner or person  
26       who cares for the animal, such as a domestic

1                   dog (including a service dog), domestic cat, fer-  
2                   ret, gerbil, horse, mouse, rat, guinea pig, rabbit,  
3                   or hamster.

4                   “(C) ENVIRONMENTAL EDUCATION PRO-  
5                   GRAM.—The term ‘environmental education  
6                   program’ means a program, which may be an  
7                   animal exhibition, that—

8                   “(i) is professionally designed to im-  
9                   part knowledge or information for edu-  
10                  cational or conservation purposes about the  
11                  natural behavior, habitat, and life cycle of  
12                  an animal, or similar pedagogical informa-  
13                  tion, by an individual qualified to impart  
14                  that information; and

15                  “(ii) does not include any performance  
16                  of behavior of an animal that does not nat-  
17                  urally occur for that animal in the wild.

18                  “(D) EXOTIC OR WILD ANIMAL.—

19                  “(i) IN GENERAL.—The term ‘exotic  
20                  or wild animal’ means—

21                  “(I) any animal that is or has  
22                  historically been found in the wild or  
23                  in the wild state, regardless of whether  
24                  the animal was bred or born in the  
25                  wild or in captivity; and

1                         “(II) any hybrid of an animal de-  
2                         scribed in subclause (I), including a  
3                         hybrid cross with a domestic animal  
4                         or farm animal.

5                         “(ii) INCLUSIONS.—The term ‘exotic  
6                         or wild animal’ includes—

7                         “(I) canidae (except domestic  
8                         dogs);

9                         “(II) cetartiodactyla (except al-  
10                         pacas, bison, cattle, deer, elk, goats,  
11                         llamas, reindeer, swine, and sheep);

12                         “(III) crocodilia;

13                         “(IV) edentata;

14                         “(V) elasmobranchii;

15                         “(VI) felidae (except domestic  
16                         cats);

17                         “(VII) hyaenidae;

18                         “(VIII) marsupialia;

19                         “(IX) mustelidae;

20                         “(X) nonhuman primates;

21                         “(XI) perissodactyla (except  
22                         horses, donkeys, and mules);

23                         “(XII) pinnipedia;

24                         “(XIII) proboscidea;

25                         “(XIV) procyonidae;

1                         “(XV) ratites;  
2                         “(XVI) spheniscidae;  
3                         “(XVII) testudinidae;  
4                         “(XVIII) ursidae;  
5                         “(XIX) varanidae; and  
6                         “(XX) viverridae.

7                         “(iii) EXCLUSION.—The term ‘exotic  
8                         or wild animal’ does not include any ani-  
9                         mal that is a domestic animal or farm ani-  
10                         mal.

11                         “(E) FARM ANIMAL.—The term ‘farm ani-  
12                         mal’ means an alpaca, cow, sheep, swine, goat,  
13                         llama, poultry, rabbit, horse, mule, or donkey.

14                         “(F) MOBILE OR TRAVELING HOUSING FA-  
15                         CILITY.—The term ‘mobile or traveling housing  
16                         facility’ means a transporting vehicle, such as a  
17                         truck, car, trailer, airplane, ship, or railway car,  
18                         used to transport or house an animal while  
19                         traveling to, from, or between locations for per-  
20                         formance purposes.

21                         “(G) PERFORMANCE.—The term ‘perform-  
22                         ance’ means any animal act, circus, ride, car-  
23                         nival, display, exhibition, fair, parade, petting  
24                         zoo, race, performance, or similar undertaking  
25                         in which an animal is required to perform

1 tricks, give rides, or participate as an accom-  
2 paniment for the entertainment, amusement, or  
3 benefit of an audience.

4 “(H) TRAVELING ANIMAL ACT.—The term  
5 ‘traveling animal act’ means any performance  
6 of an animal for which the animal is trans-  
7 ported in a mobile or traveling housing facility  
8 to, from, or between locations for the purpose  
9 of a performance.

10 “(I) WILDLIFE SANCTUARY.—The term  
11 ‘wildlife sanctuary’ means an organization  
12 that—

13 “(i) is described in sections  
14 170(b)(1)(A)(vi) and 501(c)(3) of the In-  
15 ternal Revenue Code of 1986;

16 “(ii) is a place of refuge that provides  
17 care for abused, neglected, unwanted, im-  
18 pounded, abandoned, orphaned, or dis-  
19 placed exotic or wild animals for the life-  
20 time of the exotic or wild animals; and

21 “(iii) does not—

22 “(I) engage in commercial trade  
23 in any exotic or wild animal, includ-  
24 ing—

1                         “(aa) the sale of any animal,  
2                         animal part, or derivative off-  
3                         spring;  
4                         “(bb) photographic opportu-  
5                         nities; and  
6                         “(cc) public events for finan-  
7                         cial profit or an entertainment  
8                         purpose;  
9                         “(II) breed any exotic or wild  
10                         animal;  
11                         “(III) permit unescorted public  
12                         visitation;  
13                         “(IV) permit direct contact be-  
14                         tween the public and any exotic or  
15                         wild animal; or  
16                         “(V) remove any exotic or wild  
17                         animal from a sanctuary or enclosure  
18                         for exhibition or performance.

19                         “(2) PROHIBITED USE OF EXOTIC AND WILD  
20                         ANIMALS.—Subject to paragraph (3), no person  
21                         shall cause a performance of, or allow for the par-  
22                         ticipation of, an exotic or wild animal in a traveling  
23                         animal act.

24                         “(3) EXCEPTIONS.—Paragraph (2) shall not  
25                         apply to—

- 1                 “(A) the use of an exotic or wild animal—  
2                         “(i) in an exhibition at a nonmobile,  
3                             permanent institution, zoo, or aquarium  
4                             accredited by the Association of Zoos and  
5                             Aquariums, the World Association of Zoos  
6                             and Aquariums, or the Global Federation  
7                             of Animal Sanctuaries;  
8                         “(ii) as part of an environmental edu-  
9                             cation program by a facility accredited by  
10                            the Association of Zoos and Aquariums, if  
11                            the animal used as part of the program is  
12                            not—  
13                         “(I) used for more than 180 total  
14                             days during a year; and  
15                         “(II) kept in a mobile or trav-  
16                             eling housing facility for more than  
17                             12 total hours during a day;  
18                         “(iii) by an institution of higher edu-  
19                             cation, laboratory, or other research facil-  
20                             ity registered under section 6 for the pur-  
21                             pose of conducting research;  
22                         “(iv) in film, television, or advertising,  
23                             if the use does not involve a live animal ex-  
24                             hibition conducted before a public studio  
25                             audience; or

1                         “(v) in a rodeo;  
2                         “(B) the use of an indigenous wild animal  
3                         by a wildlife rehabilitator in an environmental  
4                         education program—

5                         “(i) that is permitted by the relevant  
6                         jurisdiction;

7                         “(ii) that is accredited or certified by  
8                         the National Wildlife Rehabilitators Asso-  
9                         ciation or the International Wildlife Reha-  
10                         bilitation Council; and

11                         “(iii) if the exotic or wild animal is  
12                         kept in a mobile or traveling housing facil-  
13                         ity for not more than 12 total hours during  
14                         a day;

15                         “(C) a federally permitted falconer; or

16                         “(D) a wildlife sanctuary.

17                         “(4) PENALTY.—Any person that fails to com-  
18                         ply with this subsection shall be subject to the en-  
19                         forcement and penalties described in sections 16, 19,  
20                         and 29.

21                         “(5) RELATIONSHIP WITH OTHER LAW.—

22                         “(A) IN GENERAL.—Nothing in this sub-  
23                         section—

24                         “(i) authorizes the interstate trans-  
25                         port of any species listed as threatened or

1           endangered under the Endangered Species  
2           Act of 1973 (16 U.S.C. 1531 et seq.); or

3                 “(ii) waives any requirement to com-  
4                 ply with any regulation issued under this  
5                 Act.

6                 “(B) SUPPLEMENT NOT SUPPLANT.—The  
7                 standards and requirements of this sub-  
8                 section—

9                 “(i) are in addition to, and not in lieu  
10                 of, any other laws protecting animal wel-  
11                 fare; and

12                 “(ii) do not limit any other Federal,  
13                 State, or local law or rule that more strin-  
14                 gently protects the welfare of animals.

15                 “(C) PREEMPTION.—No State or political  
16                 subdivision of a State may establish or continue  
17                 to enforce any standards, requirements, or reg-  
18                 ulations with respect to causing a performance  
19                 of, or allowing for the participation of, an exotic  
20                 or wild animal in a traveling animal act that  
21                 are inconsistent with or less stringent than the  
22                 standards and requirements under this sub-  
23                 section.”.

**1 SEC. 4. EFFECTIVE DATE.**

2       The amendments made by this Act shall take effect  
3 on the date that is 1 year after the date of enactment  
4 of this Act.

